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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,548	12/01/2000	Noboru Okada	OGW-0019	3094
23353	7590	12/03/2003	EXAMINER	
RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			KNABLE, GEOFFREY L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/726,548

Applicant(s)

OKADA ET AL.

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 4 and 8 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 3 and 7 respectively.

Additionally, it is noted that the copy of claim 7 that is provided in the latest amendment does not match the previous claim 7 language even through there is no indication that claim 7 was amended (it is denoted "previously presented") - note particularly the use of the term "means" rather than the originally used "process". This change in claim 7 also necessitates a new 35 USC 112 rejection as follows:

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7 as now presented, no antecedent has been established for the two instances of "supply means".

3. Claims 1, 3-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irie (US 4,468,267) taken with JP 59-93345 to Yokohama, Brown et al. (US 5,554,242), Laurent (US 4,963,207), EP 958,913 to Okada et al. and EP 624,456 to Krupp and optionally EP 875364 to Pirelli, and further in view of Nakahama et al. (US 4,369,086) and Brey et al. (US 3,849,231) and/or Mukae et al. (US 4,553,894).

These references are applied herein for the same reasons as set forth in the last office action.

4. Applicant's arguments filed October 3, 2003 have been fully considered but they are not persuasive.

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Applicant's arguments urge that the prior art was designed to produce masses of tires of the same specification rather than use of large-scale production equipment to produce tires of a variety of specifications, each in limited quantity. This argument has been carefully considered but is unpersuasive. It should first be pointed out that the claims are not limited to any particular lot size but rather are directed to a process/system designed to build different tires on the same line. Note however that it is first again stressed that it is apparent that one of the known advantages of the various prior art processes is the *ability to more easily adapt to changing size requirements for the components* (and thus also thereby avoid the (costly) need for more storage of more different components). Further, EP '364 to Pirelli was cited as additional evidence showing that the artisan further understands that adapting a given tire building line to build different tire sizes is known and desirable in this art (e.g. col. 6, lines 1-10) but is understood to typically provide some expected increases in production costs due to the need to change components/processing (e.g. col. 2, lines 34-50). The applied prior art references each in essence are directed to processing for each of the various required parts of the tire building process that is designed to more easily adapt to such changes and thus would tend to lower any cost penalties associated with changing tires being built. Thus, while it would be agreed that it is generally most economical and typical to build all the same tire on a building line in large quantities, there is clearly also a known desire to be able to build various smaller lots of different tires on the same line - the prior art provides ample evidence that the claimed processing represents known and conventional processing at each stage of the tire building process, with one of the

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known advantages of these various known building/supplying sub-processes being the ability to more easily adapt to changing size requirements for the components (and thus also thereby avoid the need for more storage of more different components).

In summary, then, in tire building, two-stage tire forming systems that include a band forming machine (i.e. first stage machine), a tire shaping/forming machine (i.e. second stage) and a belt/tread forming machine along with the accompanying servicers for the various layers/components are *extremely* well known in this art – the present claims are considered to merely combine known and desirable expedients in this art for each of the various building/supply stations *for only their expected advantages*, it being emphasized again that in each case, it is apparent that one of the known advantages of these various known building/supplying sub-processes is the ability to more easily adapt to changing size requirements for the components (and thus also thereby avoid the need for more storage of more different components).

Put differently, the artisan is considered to have been well aware that in the building of tires, selection of lot size for any given production line represents a decision made, among other things, as a tradeoff between the desire to build smaller lots (and thereby enable the building of the tires to better correlate with stock needs) as balanced against the increased costs associated with changing a building line to build a different tire. The prior art teachings suggest processing that enables the ability to more easily adapt to changing size requirements for the components (and thus also thereby avoid the need for more storage of more different components). Such would therefore be expected to reduce the costs associated with changing from one type of tire to another

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and thereby make such changes (and thus smaller lot sizes) more economical. This however is considered to represent only the expected results. Applicant's argument that the prior art does not show a production system that enables a small quantity to be built is this unconvincing as the prior art does in fact suggest systems as claimed as well as indicates an understanding of the artisan that such systems provide an *ability to more easily adapt to changing size requirements for the components* (and thus also thereby avoid the need for more storage of more different components), such strongly motivating the artisan to adopt such systems, particularly where it is desired to build smaller lot sizes of different tire that would require typically costly changes in component sizes.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

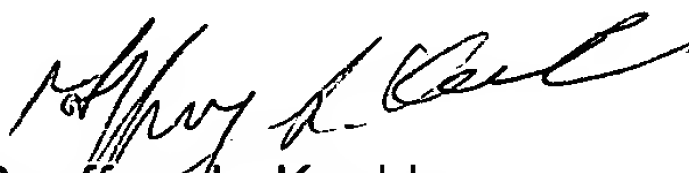
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 703-308-2062 until 12/18/2003; 571-272-1220 thereafter. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
December 1, 2003